

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Civil Revision No. S-29 of 2026

Applicants

- : 1) Mst. Siddiqa Begum d/o Mazahir Hussain, Zaidi
- 2) Mst. Amatuz Zahra d/o Mazahir Hussain, Zaidi
- 3) Mst. Khatoon Zahra d/o Mazahir Hussain, Zaidi
(deceased through her legal heirs)
 - i. Syed Zulqarnain Hyder (son)
 - ii. Syed Mohsin Raza (son)
 - iii. Syed Ali Nasir Taqvi (son)
 - iv. Mst. Tanzeem Zahra (daughter)
 - v. Mst. Tafseer Zahra (daughter)
 - vi. Mst. Inam Zahra (daughter)
 - vii. Mst. Nasra Khatoon (daughter)

*Through their Attorney Waqar Ahmed Rizvi s/o
Yasoob Akhter Rizvi*

Represented by Mr. Safdar Ali Bhatti, Advocate

V E R S U S

Respondents

- : 1) Ghulam Nabi s/o Wali Muhammad, Junejo
- 2) Mst. Hakizadi w/o Wali Muhammad, Junejo
- 3) Mandho Mal s/o aanjhamani Notan Mal
- 4) Jhaman Mal s/o Nottan Mal
- 5) Bhawan Das s/o Chango Mal (deceased through his legal heirs defendant Nos. 06 & 07)
- 6) Gurno Mal s/o Bhawan Das
- 7) Sajan Das s/o Bhawan Das
- 8) Abdul Manan Shaikh
- 9) Muhammad Yaseen s/o Sher Din, Malik
- 10) Manzoor s/o Abdul Karim, Brohi
- 11) Abdul Jabbar s/o Wahid Bux, Larik
- 12) Defunct D.O (Revenue) Khairpur
Re-designated as A.D.C-I, Khairpur
- 13) Assistant Commissioner Khairpur
- 14) Mukhtiarkar Revenue taluka Khairpur
- 15) Municipal Committee Khairpur, through Administrator
- 16) Excise & Taxation Officer (Property Tax), Khairpur
- 17) Sub-Registrar, Khairpur
- 18) Province of Sindh, through Secretary Revenue Sindh,
Sindh Secretariat, Karachi
- 19) Public at large

Date of hearing : 12.02.2026

Date of Order : 12.02.2026

O R D E R

KHALID HUSSAIN SHAHANI, J.— The applicants named above have invoked the revisional jurisdiction of this Court to assail the judgment and decree dated 04.11.2025 passed by the learned III-Additional District Judge, Khairpur, whereby Civil Appeal No.121 of 2023 was dismissed and the order dated 14.03.2023, passed by the learned 3rd Senior Civil Judge, Khairpur in Civil Suit No.119 of 2022 rejecting the plaint, was maintained.

2. It appears from the record that the applicants, as plaintiffs, instituted the aforementioned suit seeking declaration, cancellation of instruments, possession, mesne profits, and permanent as well as mandatory injunction in respect of immovable property admeasuring about 1073 square yards situated in Khairpur, claiming ownership by inheritance from their predecessor-in-interest. They alleged that private defendants, in connivance with revenue and municipal officials, had procured fraudulent entries and unlawfully occupied the subject property. The defendants submitted written statements raising preliminary objections *inter alia* to the maintainability of the suit, the absence of cause of action, and the identification of property.

3. The learned trial Court, upon preliminary scrutiny and after hearing the parties, held that the plaint as presented suffered from inherent legal defects, was devoid of a sustainable cause of action, and was barred by law in the form it stood framed; consequently, the plaint was rejected vide order dated 14.03.2023. The learned appellate Court, on full re-appraisal, concurred with such finding and dismissed the appeal through judgment and decree dated 04.11.2025.

4. Learned counsel for the applicants has contended that both Courts below failed to appreciate the true purport of the plaint and that the issues raised therein were triable, necessitating recording of evidence. It was submitted that the rejection of plaint at the threshold amounted to pre-empting adjudication of intricate questions of title and possession. The impugned orders were alleged to be the outcome of misreading and non-reading of the record.

5. I have considered the submissions and perused the record with care. The revisional powers of this Court are narrow in compass and cannot be equated with appellate jurisdiction. Interference in revision is justified only where the subordinate Court (a) has exercised jurisdiction not vested in

it by law; or (b) has failed to exercise jurisdiction so vested; or (c) has, while exercising such jurisdiction, acted illegally or with material irregularity. It is a settled dictum that concurrent findings of fact and law, where based on due application of mind, are not to be disturbed merely because another view may appear possible.

6. The plaint itself reveals a composite claim seeking declaration of ownership, cancellation of entries, and recovery of possession grounded upon alleged inheritance, encompassing multiple transactions and disputes already ventilated before revenue and municipal authorities. The trial Court was justified in examining whether the pleading disclosed a cause of action or was maintainable under the law. Upon such examination, both Courts below, through concurrent reasoning, determined that the plaint did not set forth a legally cognizable cause of action and was consequently liable to rejection.

7. The learned counsel has not pointed out any jurisdictional infirmity, perversity, or non-exercise of lawful authority in the impugned orders. The argument of misreading is untenable where concurrent findings repose upon an assessment of the very plaint and documents presented by the plaintiffs themselves. Even assuming that an alternative interpretation might be conceivable, revisional jurisdiction cannot be invoked to substitute one plausible view for another in the absence of manifest illegality.

8. The concurrent determinations of the two fora below are well-reasoned and anchored in settled legal principles. The rejection of plaint being a direct consequence of statutory scrutiny under the Code, neither betrays an error apparent on the face of record nor any dereliction of jurisdiction. The revisional Court, not functioning as a third forum of fact, must exercise restraint where the findings under challenge are supported by the pleadings and the law.

9. The present matter discloses nothing. The impugned orders do not exhibit any such infirmity warranting interference. The revision petition, in essence, seeks reassessment of appreciation already undertaken by the subordinate forums, which exercise is beyond the pale of revisional authority vested in this Court.

10. For the foregoing reasons, this civil revision is devoid of merit and is accordingly dismissed in *limine*.

JUDGE